IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP NO.15242 of 2006
DATE OF DECISION: October 31, 2006.

Sumit Kumar Singhal

….Petitioner

VERSUS

Housing Board, Haryana

…..Respondent

CORAM:- HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S. BHALLA

PRESENT: Shri Vinod S. Bhardwaj, Advocate for the petitioner.
Shri Balram K. Gupta, Senior Advocate with
Shri Pankaj Sharma, Advocate for the respondent.

Viney Mittal,J.

The petitioner has approached this Court for issuance of directions to the respondent Housing Board, Haryana to consider his claim for allotment of a house in LIG-II category in Sectors 1 and 4, Hisar. The petitioner has raised the aforesaid claim claiming that he is third in the waiting list prepared on December 3, 2004 and the aforesaid waiting list is still valid and operative. On that basis, the learned counsel has maintained that the proposed auction of LIG-II category houses in Sectors 1 and 4, Hisar was absolutely unjustified and contrary to the brochure.

The facts which emerge from the record show that the petitioner had applied to the respondent Board for allotment of a house in LIG-II category in Sectors 1 and 4, Hisar. The draw of lots for allotment of the said dwelling unit took place on December 3, 2004. The petitioner was not one of the successful allottees. As per the stipulations contained in the brochure, a waiting list of 25% of the

total number of units was prepared by draw of lots on the same day. A total number of 70 applicants were placed in the waiting list. Although the petitioner has claimed that he was placed at Sr.No.33 in the waiting list but the respondent Housing Board in its written statement maintains that he was placed at Sr.No.31. The petitioner has maintained that the actual house numbers were allotted to various successful candidates on May 12, 2006 and as per the stipulations in the brochure, the waiting list was to continue to remain operative for a period of six months from the date actual house numbers were allotted. Consequently, the petitioner claims that the waiting list was to remain operative uptil November 12, 2006 and, therefore, the petitioner has challenged the auction of the respondent Housing Board when according to the petitioner, it has chosen to allot the available flats by way of auction.

The claim made by the petitioner has been contested by the respondent Housing Board. In the written statement filed by it, it has been stated that the petitioner had filed an application with regard to allotment of a house in LIG-I-A category, Sectors 1 and 4, Hisar. The draw of lots took place on December 3, 2004. The petitioner having remained unsuccessful was placed in a waiting list again prepared on the basis of other draw of lots. He was placed at Sr. No.31. The respondent Board has admitted that the draw of lots for allotting actual house number took place on May 12, 2006 and, therefore, the waiting list is to remain operative uptil November 11, 2006. However, the claim of the petitioner for allotment of a flat in LIG-II category has been contested by the Board on the ground that the petitioner being an applicant of LIG-I-A, could have no basis to

claim the allotment of flat from category LIG-II. The Board has maintained that the aforesaid category was an independent category and had absolutely no connection with the applicants of LIG-I-A. The respondent Board has also stated as that upto date position with regard to the waiting list, the name of the petitioner is now at Sr.No.9 and in case, any vacancy occurs, the offer for allotment of a dwelling unit would be made as per the waiting list seniority. The Board has further pleaded that out of 281 dwelling units, houses of LIG-I-A category, the possession has already been taken by allottees of 280 houses/units. As regards, the remaining one unit, the requisite amount had already been deposited and allottee/applicant being in army service, having proceeded on training, has been granted extension for taking the possession of the same. In these circumstances, the Board has maintained that there was no dwelling unit available to adjust any other person from the said waiting list including the petitioner.

In view of the specific stand taken by the respondent Board in the written statement, which is not even disputed by the petitioner in any manner, we find that the petitioner, who was an applicant for allotment of a dwelling unit in LIG-I-A category can have no claim with regard to the allotment of a house in LIG-II category. In any case, no unit of LIG-I-A category is available for further allotment.

Dismissed.

(Viney Mittal)
Judge

October 31, 2006 (H.S. Bhalla)

KD Judge